

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD R. COLSON,

Plaintiff,

-against-

23-cv-654 (NSR)

ANTHONY J. ANNUCCI, *et al.*,

Defendants.

ORDER

NELSON S. ROMÁN, United States District Judge:

In the Court's Order and Opinion dated August 27, 2024 (ECF No. 35), the Court directed *pro se* Plaintiff Ronald Colson ("Plaintiff") to file an amended complaint by October 10, 2024. The Court specifically cautioned *pro se* Plaintiff that failure to file an amended complaint would render the claims that were dismissed without prejudice deemed to be dismissed with prejudice. As of today, *pro se* Plaintiff has not yet filed an amended complaint.

Accordingly, the Court dismisses *with prejudice* those claims that were previously dismissed without prejudice in the August 27, 2024, Order and Opinion. Specifically, the following claim are now dismissed with prejudice: *pro se* Plaintiff's First Amendment Retaliation Claim and *pro se* Plaintiff's Fourteenth Amendment Procedural Due Process Claim. (ECF No. 35). Accordingly, the Clerk of Court is kindly directed to terminate Defendants Michael Capra, Knika Green, Alfred Ross, Raymond Ortiz, Jonia Manuel and Don Venettozzi from the case.

However, Plaintiff's Fourth Amendment claims against Defendant Sanchez and Defendant Beadle survive and therefore Defendant Sanchez and Defendant Beadle remain parties to the instant action.

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The Clerk of Court is kindly directed to mail a copy of this Order to the *pro se* Plaintiff at the address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: November 1, 2024
White Plains, New York



Nelson S. Román, U.S.D.J.